

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH JEROME VALENTINE,

Defendant.

Case No. 1:99-CR-01-03

HON. RICHARD ALAN ENSLEN

**ORDER**

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This matter is before the Court on Defendant Kenneth Jerome Valentine's Motion to Alter or Amend this Court's Final Order of April 26, 2005 (Dkt. Nos. 570 & 571). Defendant requests the Court amend its Order and grant a certificate of appealability as to the issue of whether *Booker v. United States*, 2005 WL 50108 (U.S. Jan. 12, 2005) applies retroactively. Upon review the Court determines that Defendant's Motion fails to meet the standards for relief under Federal Rules of Civil Procedure 59 or 60. Defendant's Motion also fails to meet the standard for relief under Western District of Michigan Local Civil Rule 7.4(a).

**THEREFORE, IT IS HEREBY ORDERED** that Defendant Kenneth Jerome Valentine's Rule 59(e) Motion to Alter or Amend the Judgment (Dkt. No. 573) is **DENIED**.

DATED in Kalamazoo, MI:  
June 9, 2005

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
UNITED STATES DISTRICT JUDGE